

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 7-8, 10, and 13-40 are pending in this application. By this Amendment, claims 1, 15, 16, 17 and 18 are amended and claims 19, 24, 30 and 35 are withdrawn. Support for the amendments is provided at least at paragraph [0042] and FIG. 2 of Applicants' Specification. Claims 1, 15, 16, 17, and 18 are the independent claims.

Because the newly recited features of claims 1, 15, 16, 17 and 18 have not previously been considered and would likely be considered new issues requiring further consideration and/or search, Applicants have filed this Amendment along with a Request for Continued Examination (RCE) to ensure consideration. Any subsequent Office Action other than a Notice of Allowance or Quayle Action should be **Non-Final**.

**Double Patenting Rejections**

Claims 1 and 15-18 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 10, 13 and 24-27 of copending Application No. 10/766,211. Claims 2-4, 7, 8, 10, 13, 14, 20-23, 25-29, 31-34, and 36-40 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 10, 13, and 24-27 of copending Application No. 10/766,211 in view of Ando et al (U.S. Patent Publication No. 2001/0046371, hereinafter "Ando"). Claims 15 and 17 are provisionally rejected on the ground of nonstatutory double patenting over claims 7 and 6, respectively, of copending Application No. 10/716,629. Claims 1-4, 7, 8, 10, 13, 14, 20-23, 25-29, 31-34, and 36-40 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being

unpatentable over claims 1, 2 and 6-9 of copending Application No. 10/716,629 in view of Ando. Applicants respectfully traverse this rejection for the reasons detailed below.

In Applicants' previous amendment filed on October 5, 2007, Applicants have made substantial amendments to the claims of the present application. See October 5, 2007 Amendment. Moreover, Applicants have further amended the claims in this Amendment. Furthermore, the cited applications, U.S. Application No. 10/766,211 and U.S. Application No. 10/716,629, have not matured into patents and are still being prosecuted with the USPTO. Accordingly, because Applicants have made substantial amendments to the claims and the cited applications (U.S. Application No. 10/766,211 and U.S. Application No. 10/716,629) are currently being prosecuted, Applicants request that the Examiner reconsider the rejections to the claims under double patenting and obviousness-type double patenting without the filing of a terminal disclaimer, until at least the cited applications are allowed.

The Applicants, therefore, respectfully request that the rejection to Claims 1-4, 7-8, 10, 13-18, 20-29, 31-34 and 36-40 be withdrawn.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-18, 20-23, 25-29, 31-34 and 36-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ando. Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants have amended claim 1 to further recite "the playlist area being separate from the clip information area." The Examiner asserts that "the playlist area" and "the clip information area" recited in amended claim 1 reads on the data area 112 of FIG. 1(b) of Ando. For the same reasons stated in our previous response filed on October 5, 2007, Applicants submit that Ando does not disclose "the clip information area" within the meaning of claim 1. None-

the-less, Applicants have amended claim 1 to require that the playlist area and the clip information area are separate. Therefore, in addition to the reasons stated in our previous response, Applicants argue that Ando does not disclose “the playlist area being separate from the clip information area.” Rather, Ando discloses one data area 112, which includes a general computer information recording area 120 and an audio/video related information recording area 121. See Ando, FIG. 1(b) and (c). In other words, the general computer information area 120 and the audio/video related information recording area 121 are stored in the same place - the data area 112. Therefore, even assuming (which Applicants do not) that “the playlist area” and “the clip information area” of claim 1 reads on data area 112 of Ando, Ando merely discloses the same data area, not a separate area for playlists and clip information as required by amended claim 1.

Therefore, Ando cannot disclose “the playlist area being separate from the clip information area” as required by amended claim 1. Accordingly, Ando cannot anticipate claim 1. Claims 15-18 have been amended to include features similar to amended claim 1, and therefore are patentable for at least the same reasons stated above. Claims 2-4, 7-8, 10, 13-14, 20-29, 31-34 and 36-40, dependent on amended claims 1 and 15-18, are patentable for at least the same reasons stated above, as well as their own merits.

The Applicants, therefore, respectfully request that the rejection to claims 1-4, 7-8, 10, 13-18, 20-29, 31-34, 36-40 under 35 U.S.C. § 102(e) be withdrawn.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims Gary D. Yacura in connection with the present application is earnestly solicited.

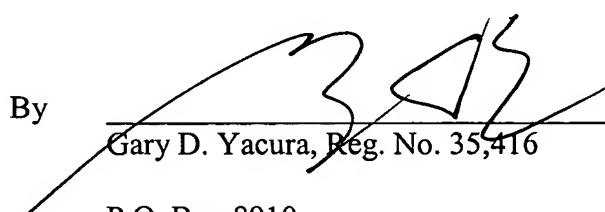
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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